

## CHAPTER FOUR

### *...And They Governed Wisely*

Men of every generation are pioneers. Inside each soul there burns a dream that somewhere there is a wilderness, some place, some achievement or some task that is still unfound, unimagined or forgotten.

Those who tamed the wilderness lands of Provo Valley clearly saw their pioneering challenges. In desolate places they built their homes, churches and communities. Other pioneers crossed barren wastes in covered wagons. Some created new irrigation canals and streams, while others felled trees in forest lands and created new business, industrial, agricultural and mining pursuits. Still other pioneers formed the laws and provided the governing direction for orderly growth and development of the budding Wasatch County.

Such pioneering spirit and enthusiasm were found in each succeeding generation in the county as accomplishments and achievements were recorded year after year.

As the county's second century dawned, one of the greatest pioneering ventures ever dreamed of in the valley began to take shape. In the beautiful mountains west of Midway there was proposed a park and recreation development second to none in the state.

To be known as the Wasatch Mountain State Park, the area of some 25,000 acres would be restricted for playground, resort, camping and sports activities. The primitive beauty of the region would be preserved, and inadequate or over-commercialized ventures would be prohibited.

Much of the impetus for the development came from the Wasatch County Commission headed by Guy E. Coleman, from President Henry D. Moyle, counselor in the First Presidency of the LDS Church, and Harold P. Fabian, chairman of the Utah State Park and Recreation Commission.

The idea won almost immediate approval as it was advanced and talked about in 1958 and 1959. So enthusiastic was everyone that over zealous land promoters nearly ruined the entire project. Late in 1959 the prices of land zoomed so high that state officials decided they could never buy the 25,000 acres needed at prices within the state's budget.

This crisis was the call for cooperative pioneering, and the county commission under Mr. Coleman's direction, and H. Clay Cummings, former Wasatch Stake President and special representative for the Park and Recreation Commission, began efforts to negotiate reasonable prices for options on the land.

So successful were their efforts that by the middle of January, 1960, Mr. Coleman was able to assure state officials that landowners in the area were fully behind state efforts and would cooperate in every way.

At a meeting on Friday, January 15, 1960, the Park and Recreation Commission, after hearing the assurances, voted to accept the offer of cooperation and authorized work to go ahead towards acquisition of the needed land. One member of the state commission remarked at the meeting that the Wasatch Park "... would be the greatest thing that could be done for the state."

President Moyle also attended the meeting and offered to donate 100 acres of land in the fringe areas of the proposed state park.

About a week later, Utah Governor George D. Clyde added his sanction and approval to the actions of the Park and Recreation Commission, stating:

"Such a year-around playground as is planned would be close to the center of the state's population and could become a great asset."

Gov. Clyde further promised to work closely with park commission officials in their efforts to obtain options on needed land.

With the governor's approval, the park commission then announced on Wednesday, January 27, 1960, that it would spend \$350,000 on the Wasatch Park from funds authorized for site development by the 1959 Utah Legislature. The sum was specified to be used in obtaining some 508 acres as a nucleus for the state park.

In the meantime, officials of the commission and private enterprises interested in developing facilities within the park began making drawings and proposals for park features. Newspapers of the state backed the proposed park, and even ran questionnaire forms asking what facilities would be most advantageous and acceptable. Plans were also being formulated to ask the 1961 Utah Legislature for at least \$1 million dollars more to pick up options on the remaining 20,000 acres.

Typical of the support given the park development is this editorial in the June 15, 1960, issue of The Deseret News and Salt Lake Telegram, entitled "A Priceless Investment for Utah":

"What would the Mountain West be like today if, instead of public-spirited, far-visioned men, the developers of the Yellowstone region in Wyoming had been speculators interested in a fast dollar?

"What value would there be to the public today if Zions and Bryce and the Grand Canyon and any number of other such wonders had been surrounded by honky-tonks or by private estates from which the public was barred?

"What man today even considers the original dollar cost of protecting and developing those areas, compared to their priceless value today?

"These questions are germane to the announcement this week that the Utah Park and Recreation Commission is prepared to acquire immediately the 'heart' of the proposed Wasatch Mountain State Park and will ask the Legislature to appropriate funds to acquire the rest.

"Every indication is that future generations will have as much reason to be thankful for the vision that preserved that magnificent area for the public as the present generation has for those who preserved Yellowstone and Grand Canyon and Bryce and Zion and the rest.

"Perhaps this park will be even more valuable. It is on the very edge of a metropolitan complex that will include a million people within another half-century. It offers the brightest hope that those million people will have a place to escape quickly and often from daily pressures, to seek solitude and the spiritual regeneration that can come from nature.

"The western slope of the Wasatch, with its beautiful canyons, will always be limited in its recreation potential because of the problem of keeping the valley's drinking water pure. The park nearing reality on the eastern slope will have no such limitation. It can be developed with recreation almost the sole consideration.

"What the Park Commissioners have on their planning boards is a 24,000-acre tract of mountain and meadow land stretching from the shores of Deer Creek Reservoir north beyond Guardsman Pass. It is, essentially, the land on the opposite side of the mountain from American Fork and Big and Little Cottonwood Canyons.

"The area is unbelievably beautiful. It offers the possibility of countless excellent campsites and picnic grounds connected by roads winding peacefully through inspiring country. It offers slopes for skiing development, that connected by lifts with the Alta-Brighton complex, can surpass anything else in America. Plans are developing for a major resort hotel with golf course and winter and summer sports, with part of the income going to the state.

"Present tax income from lands included in the proposed park run \$4,020 a year. Grazing permits alone would produce at least \$21,311 a year, before development even begins.

"Thanks to some hard work by the Park Commission itself under its able chairman, Harold Fabian, and to a dedicated group of Heber Valley leaders under H. Clay Cummings, options have been obtained on practically all the land needed. The Commission is ready now to spend \$350,000 for the key piece of property, a 494-acre tract, and will ask nearly \$1 million from the Legislature for the rest.

"This is an investment in the future—and in the present, too, for that matter—that Utah simply cannot afford to pass up. Utahns owe their gratitude for the hard work and vision that have made possible the fulfillment of this dream, and will expect the Legislature to be sure the opportunity is not lost."

Land purchases and option work continued through 1960 and by December 9, 1960, the commission reported that it had purchased 516 acres in the nucleus area and in addition had placed options on 20,326 more acres at \$30 per acre or slightly more for some plots of irrigated farm land.

At a December meeting of the commission Mr. Fabian called progress on the park and the land options "A remarkable story."

"All of these people have been very cooperative and helpful and we have treated everyone equally and fairly on the whole program," he said.

The year 1961 saw the bi-annual session of the Utah Legislature and enactment of Senate Bill 242 appropriating approximately \$1.5 million dollars for acquisition costs of park land. Governor Clyde signed the bill at appropriate ceremonies on Friday, March 10, 1961, at the State Capitol Building.

In his first official statement after signing of the legislation, Mr. Fabian praised the cooperation and team-work involved in the project.

"This has been a tremendous team effort from the state," Mr. Fabian said. "The residents of Heber Valley and Midway who cooperated in giving options, the Legislature, Governor Clyde for signing the law, the commissioners—everyone deserved high praise and credit for the job. I think I am more thrilled about the remarkable job of community effort and cooperation—the team effort of everyone—than anything else," he said.

Mr. Fabian also explained that the first steps toward the new park would be to map out plans for development.

"We want to start on the development just as soon as we can plan what we are going to do. This will have to be a long-range program, with integrated planning with the National Forest Service, whose land borders part of ours. We just can't jump into a full-blown park. We will pick up the options on the land as money becomes available, but we are going to start on planning right away," Mr. Fabian said.

The law, as passed by the legislature, allowed the park commission to acquire, on a time payment basis at three per cent interest, the necessary acreage of mountain land over a 10-year period.

Mr. Cummings, who worked with the park commission and residents of the area in securing the options was called in 1960 to a special mission for the LDS Church in Hawaii, and then subsequently as president of the Church's New Zealand Mission. He was succeeded in the park commission work by Nephi Probst.

So elated at the new park development and the action of the legislature and governor were the residents of Wasatch County that they held a victory celebration on Tuesday, April 4, 1961. "Heber Valley—U.S.A." was the theme of the testimonial banquet conducted in the Midway Town Hall and attended by more than 300 county residents and state officials.

Speakers included Harold Smith, president of the Wasatch Chamber of Commerce, Governor Clyde, President Moyle, Mr. Fabian and Richard Van Winkle, chairman of the State Road Commission. Glen Hatch, Heber attorney and former state senator, was master of ceremonies.



Each of the speakers commended the residents of the valley for their fine spirit of cooperation in making the park possible.

"The history of Utah is a history of cooperation and there has never been a greater story than this one here," Governor Clyde remarked.

President Moyle encouraged everyone to show continued "statesmanship" in bringing the reality of the park to fulfillment.

"I believe we could follow no wiser course than to permit the state to outline the course to follow because the State Park Commission are sufficiently removed to paint a much more impartial, more fair and wiser picture of the park development and bring it to successful use. This is not alone a Heber Valley park, nor just a state park, it is a national project and those who have contributed are to be highly praised," President Moyle said.

In the meantime, the Wasatch County Commission took steps to zone a half-mile buffer area around the park to prohibit commercial developments and land speculation in the areas nearest the park site. The zoning prohibited all but farms and single dwellings within one-half mile of the park.

The cooperation of Wasatch residents in bringing about the park won recognition throughout the state, but to those in the county it was another pioneering step and another record of accomplishment and achievement by its governing board, the Wasatch County Commission.

County government, as noted in the previous chapter, began in 1862 with the formation of the county court and appointment of selectmen as officers of the court. The board of selectmen served in the county until 1896 when statehood was granted Utah, and the commission form of county government was adopted.

Many changes have occurred in a century of life in the valley, with government influence growing from Church-centered control to an active board of commissioners. Yet, in spite of a more complex organization, the fundamental principles of county government have remained constant. The early minute books of the old selectmen and the latest records of the county commission all reflect a desire on the part of elected officials to set aside partisanship and selfishness and give citizens throughout the valley effective and efficient leadership.

As noted in the previous chapter, the first county organization was established on January 17, 1862, by act of the Territorial Legislature. The various offices of county government designated at that time were as follows:

Probate Judge, elected by the legislature; three county selectmen elected by voters of the county, with the judge and the selectmen to constitute the county court. There was also a clerk appointed by the court, a treasurer elected by voters for a four-year term; a notary public elected by the Legislature; a county surveyor, elected by the county; three election judges, appointed by the court; three school board trustees

## First Officials of Wasatch County



John W. Witt  
Judge



Thomas Todd  
Selectman



James Duke  
Selectman



John H. Van Wagoner  
Selectman



John Harvey  
Assessor and Collector



John M. Murdock  
Treasurer



Thomas H. Giles  
Superintendent of common  
schools



John Hamilton  
Sheriff

Snelling M. Johnson  
Sheriff  
(No picture available)

John Sessions  
Surveyor  
(No picture available)

elected by the voters; a county school superintendent, appointed by the court; an assessor and collector, appointed by the court; a recorder, elected by voters; a surveyor, appointed by the court; a prosecuting attorney, elected by the Legislature; a sheriff, elected by the people; a justice of Peace and coroner, and two constables for each precinct, elected; an estray pound keeper for each precinct, elected; two fence viewers in each precinct, elected; a road commissioner, appointed by the court and precinct road supervisors to be elected in each precinct.

The Legislature elected John W. Witt as probate judge in the county and on February 22, 1862, Judge Witt organized the county organization as follows: Selectmen, Thomas Todd, James Duke and John H. Van Wagoner; assessor and collector, John Harvey; Sheriff, Snelling M. Johnson; treasurer, John M. Murdoch; surveyor, John Sessions and Thomas H. Giles, superintendent of common schools.

The court divided the county into two precincts. All the area east of the Provo River was placed in Precinct No. 1 and Thomas Rasband was appointed Justice of the Peace with Zemira Palmer as constable. Precinct No. 2 was all the area west of the Provo River, and Horton Jacobs was named Justice of the Peace. Sidney Epperson was constable. Clerk of the court was Charles Shelton.

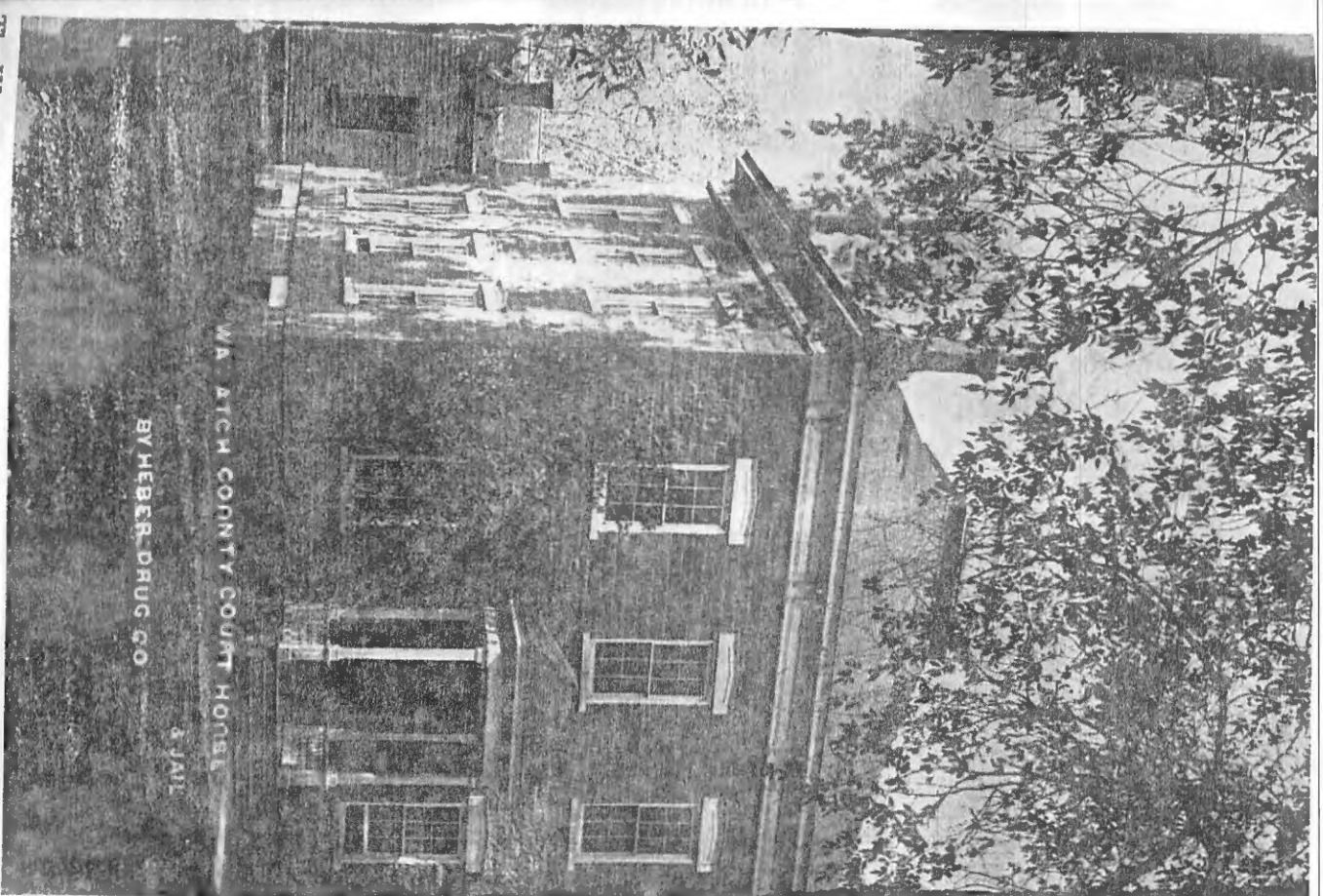
Until the time of statehood the county court headed by the Probate Judge constituted the chief legal power of the county. By act of Congress the Probate Judge was also a key figure in land titles, having power to enter claims in the U.S. Land Office and receive titles in return for those inhabiting the lands. Many land titles today are still traced back to a deed from the old probate judges.

With the passage of time the probate judge and the county court were weakened as state and federal governmental bodies began to centralize their controls. In 1864 the Federal Government restricted the legal power of the Probate Court to the settlement of estates, guardianships and divorce matters.

Additional responsibilities for the Probate or County Court came in 1872 when the selectmen were appointed by the Legislature to erect a county jail and act as directors of the establishment, and in 1878 when the court was appointed as a Board of Equalization to adjust tax assessments and appoint election judges for each precinct.

In 1880, however, provisions of the Edmunds-Tucker Act made the office of Probate Judge an appointment of the President of the United States and transferred all divorce actions from the probate to district court. Election laws were also changed, taking power away from the probate court. The office of county clerk was made an elective position in 1886 and in that same year the precinct and county road offices were consolidated into the office of District Road Supervisor.

The most drastic changes in county government came in 1896 when



The Wasatch County Court House constructed between 1878 and 1882. In the background is the County jail.



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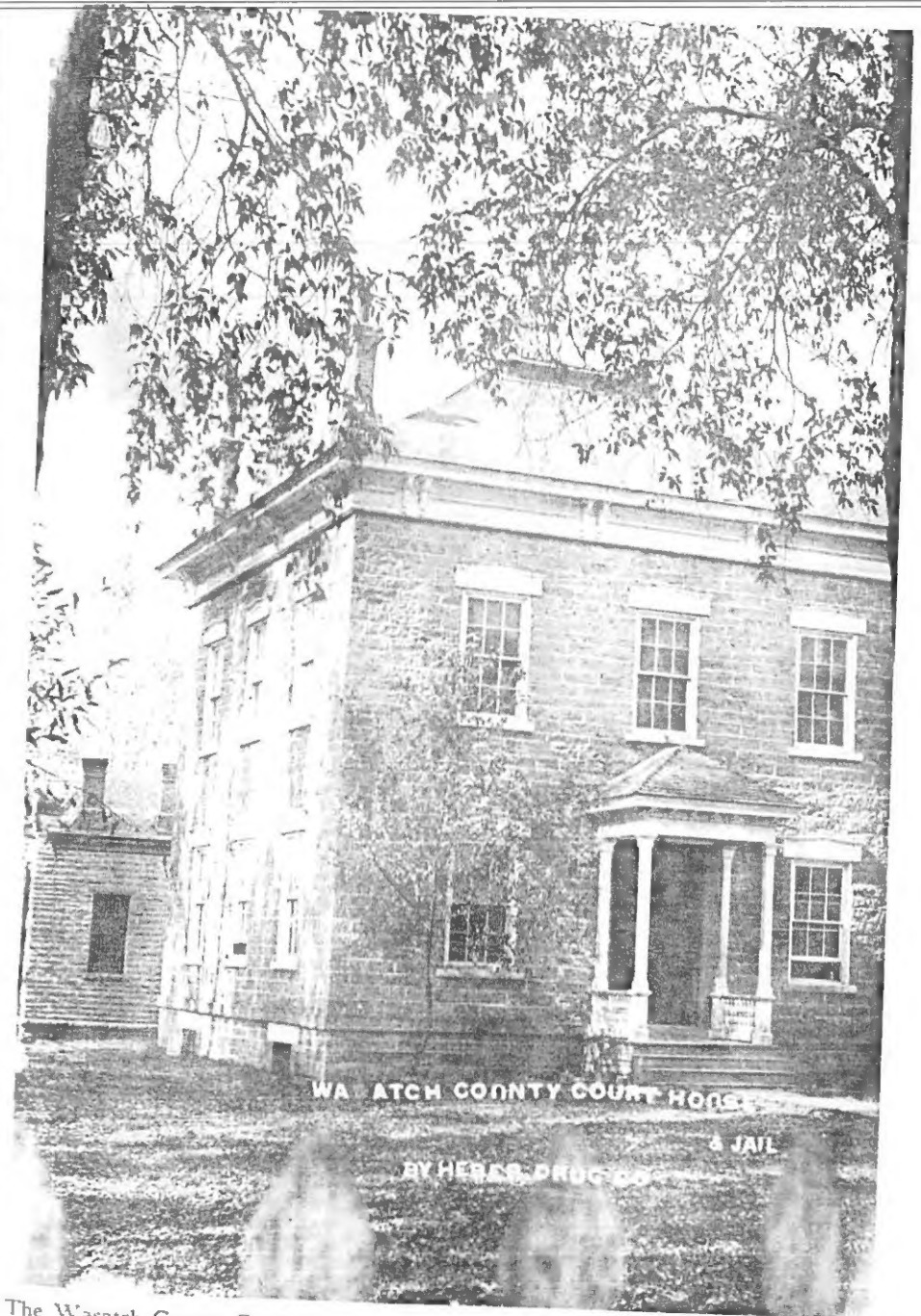
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The Wasatch County Court House constructed between 1878 and 1882. In the background is the County Jail.

Utah became a state. All county offices became elected positions, and included the following:

Three commissioners, two with four-year terms and one with a two-year term; county clerk, recorder, auditor, treasurer, assessor, attorney, and surveyor, all four-year terms. The offices of clerk, recorder and auditor were later combined in 1899.

Probate judges who served until statehood included Judge Witt, 1862-1868; Abram Hatch, 1868-1874; Thomas H. Giles, 1874-1884; Thomas S. Watson, 1884-1894; William S. Willes, 1894-1896.

Selectmen who served in the era prior to statehood included Thomas Todd, James Duke, John H. Van Wagoner, Sidney Epperson, Henry McMullin Sr., D. A. Sessions, David Van Wagoner, John McDonald, John W. Witt, William H. Nuttall, H. L. Anderson, John Watkins, Abram Hatch, William McDonald, George W. Clyde, Alva J. Alexander, Joseph R. Murdock, Harmon Cummings, John Clyde, Charles I. Bronson, John A. Mecham, Wilford Van Wagoner and Isaac O. Wall.

Probate judges and selectmen held many of their early meetings in the old LDS Tithing Office, a sandstone building on Main Street and First North. Later a County Court House was proposed and on March 4, 1878, the south half of the public square was selected as the court house site. Thomas H. Giles and Abram Hatch were appointed to direct the erection of the building.

Records of the construction work are incomplete, but work apparently was underway by June since the records show authorization to pay claims of contractors as of June 3, 1878. On September 2, 1878, authorization was granted by the selectmen for borrowing necessary funds to finish at least one room of the building, but work apparently lagged as construction was still being recorded in the minutes on March 8, 1880.

By September 6, 1880, the court house committee reported to the selectmen that expenditures totaled \$3,793.66. Work was apparently completed by September of 1882 when costs were reported at about \$4,600, plus \$250 for furniture. Further records show installation of a safe in 1886, landscaping in 1889 and then additional construction and remodeling to the building's present condition in 1924.

From the beginning, selectmen had many problems to solve. Roads had to be located, bridges built, rights of property safeguarded and money collected to meet expenses. This latter tax often proved the most difficult. One entry in the minutes of the selectmen reads as follows:

"The assessor reports, taxes assessed. Collected, \$147.18. Taxes past due \$327.23." The minutes of the next session tersely states: "A new assessor and collector was appointed."

Other problems facing the selectmen included requests for help in repairing or replacing bridges damaged or destroyed by flood waters, called for fence viewers to determine correct property lines, petitions to



Wasatch County officials of 1961. Front row, left to right: Wayne C. Whiting, county clerk and recorder; Guy E. Coleman, chairman of the county commission; William J. Bond, county commissioner; Walter Montgomery, county commissioner; Second row: Guy Duke, assessor; Mary Chipman, deputy clerk; June Wheeler, treasurer; Shirley Chatwin, deputy clerk; Ethel Giles, secretary to the county agent; Mary Bacon, home demonstration agent; Back Row, Paul Daniels, county agricultural agent; Floyd Witt, sheriff; Jerry Smith, deputy sheriff; A. D. Buys, justice of the peace of the Heber precinct; Albin Hansen, custodian of the court house and grounds. Richard L. Maxfield, county attorney.

establish herd ground on public domain and requests from citizens for protection from the influx of excessive livestock from other counties.

There were also the legal problems related to justice and the suppression of crime. Business licenses and franchise also had to be granted, and liquor control had to be enforced. For a period, also, the selectmen had responsibilities for directing the school precincts and the superintendent.

Statehood in 1896 brought a full county commission organization, with John Clyde, Isaac O. Wall and Wilford Van Wagoner selected as the first commissioners.

Salaries for those first selected included \$100 a year for commissioners; \$650 per year for the sheriff; \$500 per year for the clerk, with the recorder receiving \$200 per year, the surveyor \$100 per year and the county superintendent of schools \$360 per year.

Those who have served as commissioners through the years have included the following: 1897, Wilford Van Wagoner, Thomas Clotworthy, William Daybell. 1899, Thomas Clotworthy, Isaac O. Wall and Richard Jones. 1901, Henry Clift, A. M. Murdock, Henry T. Coleman, 1903, John E. Austin, F. A. Fraughton, Henry T. Coleman. 1905, John E. Austin, F. A. Fraughton, Jacob Probst. 1907, Jacob Probst, E. J.